

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	Criminal No.
	)	03-CR-10377-WGY
v.	)	
	)	
ERIC LINO	)	
Defendant.	)	

**STATUS MEMORANDUM**

The United States of America and the defendant by his undersigned counsel submit this status memorandum in the above-referenced case.

**Discovery/Additional Discovery**

The government provided the defendant with automatic discovery on January 21, 2004. The defendant filed a discovery letter on June 22, 2004 (copy attached). The government filed a response on August 27, 2004 (copy without enclosures attached). The government will provide the defense with Jenks information not later than October 25, 2004.

**Defense of Insanity/Public Authority**

Defendant Lino does not intend to present such defenses.

**Request for Alibi**

The government requested notice of alibi on January 21, 2004 from defendant Lino. No response has been received.

**Motions**

On September 9, 2004, the Court granted a defense motion to set the motion filing date three weeks before trial. The motion filing date is October 25, 2004. No motions have been filed as

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of today.

**Further Scheduling**

The government will not object if the defense requests a further status conference date.

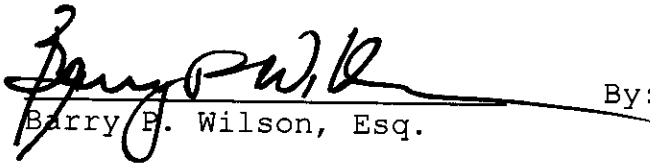
**Resolution of the Case**

The government anticipates a trial in this case.

**Length of Trial**

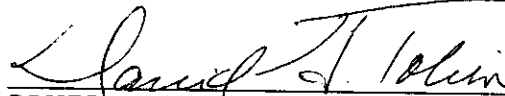
The government anticipates approximately 5 days for its case-in-chief.

For Defendant Lino

  
Barry P. Wilson, Esq.

By:

MICHAEL J. SULLIVAN  
United States Attorney

  
DAVID G. TOBIN  
Assistant U.S. Attorney

**LAW OFFICES OF  
BARRY P. WILSON**

**BARRY P. WILSON  
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240 COMMERCIAL STREET  
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FAX 617 523-8700**

David Tobin, Esq.  
Assistant U.S. Attorney  
United States Courthouse  
Suite 9200  
1 Courthouse Way  
Boston, MA 02210

June 22, 2004

**RE: *United States v. Eric Lino*  
*No. 03-10377-WGY***

Dear Mr. Tobin:

Appreciating the local rules of United States District Court for the District of Massachusetts, I would still request that you provide me the following discovery in an effort to see if this matter can be resolved short of trial. Obviously, without said material, I can not begin to evaluate the case and have an intelligent discussion with my client as to his entertaining a plea.

The material that I request is the following:

- A. The name of the confidential source and all DEA- 6 reports as well as any grand jury testimony. Your predecessor indicated that the Government did not intend to call him in their case-in-chief, but he is an alleged percipient witness to the deals on February 10, 2003 and June 18, 2003. therefore, I believe I am entitled to said material, and it is only a question of when I receive it, not if I receive it.
- B. The coached debriefing of the confidential source (February 7, 2003) without parts of paragraphs blanked out.
- C. Any other material statements or grand jury testimony of any witnesses you intend to call at trial..

As I indicated, I believe I am entitled to all this material for a variety of reasons. It is only a question of timing. This situation is further compounded by recent decisions concerning the guidelines and your response can only help me determine if there will be a plea in this case, as well as the parameters of any trial.

I await your response.

Very truly yours,



Barry P. Wilson

BPW/rgd



U.S. Department of Justice

*Michael J. Sullivan*  
*United States Attorney*  
*District of Massachusetts*

COPY

Main Reception: (617) 748-3100

*John Joseph Moakley United States Courthouse*  
*1 Courthouse Way*  
*Suite 9200*  
*Boston, Massachusetts 02210*

August 27, 2004

Barry P. Wilson, Esquire  
240 Commercial Street, Suite 5A  
Boston, MA 02109

**Re: United States v. Eric Lino**  
**Criminal No. 03-CR-10377-WGY**

Dear Mr. Wilson:

Enclosed please find the following materials pertaining to the above-referenced Case:

1. Grand Jury testimony of Edward J. Libby;
2. Grand Jury testimony of Jarriid J. Senac;
3. Grand Jury testimony of Carl J. Romiza;
4. Grand Jury testimony of Lance Gill;
5. Grand Jury testimony of New Bedford Police Detective Dean Fredericks;
6. DEA-6 Report of Investigation by Dean Fredericks, TFA, prepared on 02/11/2003 (with redactions);
7. Criminal record of Christopher Viger (DOB: 3/16/79) (a.k.a. Michael Perry - DOB: 3/16/78)

I am unable to honor your request for an unredacted copy of Officer Fredericks' DEA-6 Report of Investigation. The portion of the report that has been redacted contains information unrelated to the prosecution of your client. The release of the information may hinder future law enforcement activities.

Additional discovery materials will be provided twenty-one days before trial, pursuant to the local rules of discovery.

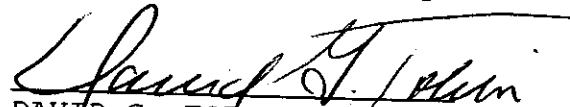
Barry P. Wilson, Esquire  
August 24, 2004  
Page 2

The confidential witness in this case is Christopher Viger. His date of birth is March 16, 1979. Mr. Viger is also known as Michael Perry, with a date of birth of March 16, 1978.

Very truly yours,

MICHAEL J. SULLIVAN  
United States Attorney

By:

  
DAVID G. TOBIN  
Assistant U.S. Attorney

Copy to: Elizabeth Smith  
Clerk to the Honorable Chief Judge Young  
(w/o enclosures)